

WEATHER MODIFICATION

1. Types of Activities Regulated

A license and permit from the Montana Department of Natural Resources and Conservation (DNRC) are required to engage in weather modification and control activities. License and permit forms are available from the department.

Statute: 85-3-101 through 401, MCA

Rule: ARM 36.20.102-401

Contact: DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION
Water Resources Division
Water Management Bureau

2. Application Requirements

A. License

An applicant for a weather modification license must demonstrate competence in the field of meteorology and complete an application form available from the Water Resources Division of the DNRC. A license expires at the end of the calendar year. Qualified licensees may apply for a renewal.

B. Permit

A person holding a valid weather modification license must receive a permit before engaging in actual weather modification and control activities. Separate permits are required for each operation. A permit applicant must also file a notice of intention. The notice must include the applicant's name and address; the nature, purpose and objective of the intended operation and the person or organization on whose behalf the operation will be conducted; the approximate time during which the operation will be conducted; the area affected; and the materials and methods that will be used. The DNRC must publish the notice at least once a week for two consecutive weeks in a newspaper having general circulation in the affected county(ies).

Statute: 85-3-201 through 210, MCA

3. **Permitting Procedures**

A. License

Information provided in the license applications is corroborated by the DNRC. The DNRC then approves or denies the application based upon the statutory criteria.

B. Permit

Permit applications must be submitted at least 180 days prior to the date the weather modification operation is scheduled to begin. If the operation is new, the applicant is advised to consult with the DNRC prior to submitting a permit application. Once received, the application is evaluated, and an Environmental Impact Statement (EIS) (see MONTANA ENVIRONMENTAL POLICY ACT, p. 118) must be prepared by the DNRC. A hearing may be required at the applicant's expense. The DNRC may approve, approve with conditions or reject an application based on the criteria described below.

Statute: 85-3-206, MCA

Rule: ARM 36.20.301

4. **Fees**

- A. The fee for a license or license renewal to conduct weather modification operations is \$100.
- B. The fee for a permit to conduct weather modification operations is one percent of the estimated cost of the operation.
- C. The applicant must reimburse the DNRC for all costs associated with any public meetings or hearings, preparing the report and preparing the EIS.

Statute: 85-3-202(1), 205, 206(2d) and 212, MCA

5. **Criteria**

A. License

Competence in the field of weather modification and meteorology must be demonstrated by the applicant's experience and education or certification by a

nationally recognized weather modification professional society, agency, or organization. A minimum of one year of experience in management and control of a weather modification operation is required.

B. Permit

The following approval criteria must be met.

- 1) the person in charge is licensed to conduct weather modification activities in Montana;
- 2) the project has been properly noticed;
- 3) the project has been insured in a manner that would protect victims of any unintended weather modification results;
- 4) the fees have been or will be paid, in accordance with the statute; and
- 5) the project is determined by the DNRC to be for the general welfare and public good.

Statute: 85-3-206, MCA

6. **Additional Information**

On petition of county residents, a county may establish a weather modification authority to engage in weather modification activities.

Statute: 85-3-401, *et seq.*, MCA